

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------------|---|--------------|
| RCC FABRICATORS, INC., | : | CIVIL ACTION |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| UMOJA ERECTORS, LLC, et al., | : | No. 17-5304 |
| Defendants. | : | |
| | : | |

SCHEDULING ORDER

TIMOTHY R. RICE

January 13, 2021

AND NOW, on **January 13, 2021**, following a telephone conference with all counsel, it is ORDERED:

1. On **January 29, 2021**, the parties shall participate in a settlement conference with Magistrate Judge Marilyn Heffley.
2. By **February 15, 2021**, all fact discovery will be served, noticed, and completed.
3. By **March 2, 2021**, counsel for each party shall serve on counsel for every other party any expert reports as required by Federal Rule of Civil Procedure 26(a)(2)(B). Rebuttal expert reports are due by **March 9, 2021**.
4. By **March 16, 2021**, counsel for each party shall serve on counsel for every other party:
 - (a) the original or a copy of each exhibit they expect to offer at trial. These exhibits shall be marked with consecutive numbers appropriately prefixed with an identifying letter of counsel's choice (i.e., P-1, P-2; D-1, D-2);
 - (b) curriculum vitae for each expert witness expected to testify; and

(c) a specific identification of each discovery item expected to be offered into evidence.

5. Only those exhibits, witnesses, and discovery items identified as required by this Order shall be considered by the Court for admission into evidence at trial, unless stipulated to by all affected parties and approved by the Court, or by Order of Court so as to avoid manifest injustice.

6. If a witness will be unavailable at the time of trial as defined in Federal Rule of Civil Procedure 32(a)(4), the Court expects the party relying on that witness to use videotaped depositions of the witness, whether that witness is a party, a non-party, or an expert. The unavailability of any such witness will not be a ground to delay the commencement or progress of trial.

In the event a deposition is to be offered, the offering party shall file with the Court, prior to the commencement of the trial, a copy of the deposition, but only after all efforts have been made to resolve objections. Unresolved objections shall be noted in the parties' pre-trial memoranda.

7. By **March 30, 2021**, all motions in limine shall be filed. Responses are due by **April 6, 2021**.

8. By **April 20, 2021**, all parties shall file with the Clerk of Court a pretrial memoranda at most five pages in length. Besides the requirements set forth in Local Rule of Civil Procedure 16.1(c), the pre-trial memoranda shall include:

(a) a list of each fact witness to be called at trial with a brief statement of the nature of their expected testimony (witnesses not listed may not be called by that party in its case-in-chief);

(b) a list of expert witness to be called at trial and the curriculum vitae for each expert witness listed; and

(c) a statement of any anticipated important legal issues on which the Court will be required to rule, together with counsel's best authority on each such issue.

9. Any party having an objection to: (a) the admissibility of any exhibit based on authenticity; (b) the adequacy of the qualifications of an expert witness expected to testify; (c) the admissibility for any reason (except relevancy) of any item of evidence expected to be offered; or (d) the admissibility of any opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701, shall set forth separately each such objection, clearly and concisely, in their pretrial memorandum. Such objection shall describe with particularity the ground and the authority for the objection. The court may overrule any objection made at trial not identified as required.

10. This case will be listed for a bench trial on **April 27, 2021** at **9:30 A.M.** via remote technology. The trial is expected to last three days. Counsel should consider themselves attached as of these dates.

COUNSEL PLEASE NOTE: This Scheduling Order will be the only written notice of the date this case will be tried. Counsel and all parties shall be prepared to commence trial on **April 27, 2021.**

BY THE COURT:

/s/ Timothy R. Rice

TIMOTHY R. RICE
U.S. MAGISTRATE JUDGE